

REMARKS

Reconsideration of the instant application is respectfully requested. The present submission is responsive to the Final Office Action of June 3, 2005, in which claims 1-24 are presently pending. A courtesy copy of the claims in their present form is included above. With regard to the art of record, each of claims 1-24 now stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication 2002/0144108 to Benantar. For the following reasons, however, it is respectfully submitted that the application is in condition for allowance.


This application was filed after November 29, 1999, thereby entitling the same to the benefits of 35 U.S.C. §103(c). The Applicants hereby assert that the subject matter of both the present application and the Benantar '108 publication were, at the time of the invention of the subject matter of this application, owned by the same party or subject to an obligation of assignment to the same party, namely International Business Machines Corporation. Accordingly, under 35 U.S.C. §103(c), the Benantar reference (qualifying as a prior art reference solely under 35 U.S.C. §102(c)) cannot preclude patentability of the pending claims of the present application based on obviousness grounds.

For the above stated reasons, it is respectfully submitted that the present application is now in condition for allowance. No new matter has been entered and no additional fees are believed to be required. However, if any fees are due with respect to this Amendment, please charge them to Deposit Account No. 09-0458 maintained by Applicants' attorneys.

Respectfully submitted,
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